

R E C E I V E D

OCT 24 2003

CAESAR, RIVISE, BERNSTEIN
COHEN & POKOTILOW, LTD.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HIGH CONCRETE STRUCTURES, INC.,	:	
	:	
	:	Civ. No. 02-CV-0086
Plaintiff	:	
	:	
v.	:	
	:	Appeal No. 03-1477
NEW ENTERPRISE STONE & LIME CO., INC. and ROBBINS MOTOR TRANSPORTATION, INC.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this _____ day of _____, 2003, upon consideration of the parties' Third Joint Motion for Waiver of Confidentiality as to Certain Items, the Protective Order in the above titled case is hereby modified as to waive the confidentiality for the items specified in the Third Joint Motion for Waiver of Confidentiality as to Certain Items.

Hon. Franklin S. Antwerpen, U.S.D.J

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HIGH CONCRETE STRUCTURES,
INC.,

:

Civ. No. 02-CV-0086

Plaintiff

:

v.

:

Appeal No. 03-1477

NEW ENTERPRISE STONE & LIME
CO., INC. and ROBBINS MOTOR
TRANSPORTATION, INC.,

:

Defendants.

:

**THIRD JOINT MOTION FOR
WAIVER OF CONFIDENTIALITY AS TO CERTAIN ITEMS**

Plaintiff, High Concrete Structures, Inc., and Defendants, New Enterprise Stone & Lime Co., Inc. and Robbins Motor Transportation, Inc., by agreement of the parties, hereby move the Court for an Order to waive the confidentiality of certain documents disclosed in Plaintiff's appeal brief to the Federal Circuit. This Stipulated Motion is in furtherance of the parties' compliance with Federal Circuit Rule 11(d) requiring modification of protective orders by agreement of the parties in certain circumstances.

The parties have agreed to waive confidentiality for the following list of pages:

CITATION	PAGE NUMBER(S)
Deposition of Kenneth Baur	34-39, 68, 203
HC 001956	N/A
HC 001874	N/A
Scholz Transcript	50
General Unloading Procedure for Tilt Frames	HC001620-1622
Baur April 9, 2003 Supplemental Declaration	1-5 and Photocopy of Original Model
Expert Report of James A. Kirk	Attachment H-1
Kirk Deposition	164-6, 265, 280-281
Grauer Deposition	85
Defendants' Brief in Support of Motion for Summary Judgment on Best Mode (2/21/2003)	21

The parties hereby respectfully request that the Court modify the Protective Order in the above named case by entering the attached Order.

Respectfully submitted,

October 24, 2003

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